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ABSTRACT

This paper highlights the religious accommodations that Ontario (Canada) universities have undertaken to create an inclusive, supportive learning community for all students, faculty, and staff. It outlines the demographic changes and public policy surrounding religious accommodation issues in Canada and in Ontario in particular, focusing on the Ontario Human Rights Code policy on creed and accommodation of religious observance. The paper then discusses some of the multifaith tensions present in Ontario university communities, including the lack of clarity of basic definitions, secularism, ambivalence toward religious expression, discrimination, diversity within diversity, intergroup tensions, and discrepancy of views concerning current accommodation measures. The paper describes the accommodation needs of different groups, including Muslims, Hindus, Jews, and other groups, along with successful accommodations for worship and ceremonial space, athletic facilities, residence life, and classroom and food service issues. Finally, the paper discusses social climate issues, such as harassment, dress and modesty requirements, curriculum, and counseling and health services. (MDM)

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ED 420 255

A Discussion Paper

# RELIGIOUS OBSERVANCE ACCOMMODATION IN ONTARIO UNIVERSITIES

May 1998

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COUNCIL OF ONTARIO UNIVERSITIES
CONSEIL DES UNIVERSITÉS DE L'ONTARIO

# RELIGIOUS OBSERVANCE ACCOMMODATION IN ONTARIO UNIVERSITIES

A Discussion Paper Prepared for
the COU Standing Committee on the Status of Women
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# RELIGIOUS OBSERVANCE ACCOMMODATION IN ONTARIO UNIVERSITIES

## Introduction

This discussion paper was prepared for the Council of Ontario Universities Committee on the Status of Women by Dr. Carole Ann Reed as part of a resource kit on religious observance accommodation of minority faith communities in our universities. Also included is a compendium of information on major religious communities published by the Ontario Multi-faith Council, and a multi-faith calendar, a useful source of information already widely distributed in several of the Ontario universities.

The discussion paper highlights the religious accommodations that Ontario universities have made and continue to make as each university tries to strike the optimum balance in creating an inclusive, supportive learning environment for all students, faculty and staff. To gather the data necessary for this paper, several Ontario university campuses were visited and students, administrators, staff and faculty, including many from minority faith communities, were consulted. In addition, consultations were held with the Ontario Human Rights Commission, the Ontario Multi-faith Council on Spiritual and Religious Care, and dedicated community workers — lay and professional — from a plurality of spiritual traditions. These traditions included: Christian, Hindu, Muslim, Jewish, Aboriginal, Sikh and Wiccan faiths. Special effort was made to consult with women members of minority faith groups. This document records the religious accommodation needs raised in these consultations. It also presents the Canadian public policy and human rights legal framework within which religious freedom issues are set.

The paper is organized into four sections. Section One outlines the demographic changes and public policy surrounding religious accommodation issues. Section Two discusses some of the multi-faith tensions present in Ontario university communities. Sections Three and Four present the religious observance accommodation needs of minority faith communities. The issues associated with these needs fall into two groups. Some relate to straightforward accommodation needs, for example, the need for daily designated prayer space and dietary requirements. Other issues involve climate and comfort level concerns, such as religious/cultural dress codes and harassment issues.

## Purpose of Paper

It is important to emphasize that the overriding motivation and purpose of this paper is to acknowledge and affirm the religious diversity present in Ontario universities. The dilemma of writing about diversity is that the written word may not be seen as affirming the diversity that it attempts to record, but rather as reinforcing a monolithic representation of minority communities and certain community practices; in short, the written word can easily be construed and misconstrued as stereotype. Again, the purpose of this paper is to acknowledge the rich diversity of and within each faith tradition. It is hoped that the paper will be used to inform religious observance accommodation policies and procedures in Ontario universities and contribute in a positive and productive manner to discussions on religious and spiritual diversity.

## SECTION ONE

# Historical and Public Policy Overview of Religious Diversity Issues

This section provides an overview of the increasing diversity in Canada and sketches out the public policy framework within which diversity issues exist. It also gives a brief introduction to human rights legislation including the latest developments in the Ontario Human Rights Code concerning religious accommodation.

## Increasing Diversity in Canada and Ontario

Since World War II, it has become popular to call western democratic societies pluralistic societies. However, many countries, particularly Canada, have had a long history of pluralism. Before the French and English colonized Canada, the Aboriginal Peoples themselves formed a pluralistic society composed of 50 distinct subcultures and 12 languages.[1] Subsequent to this colonization, succeeding waves of immigrants have continued to make up an increasingly integral component of Canada's population.

Although earlier immigrants came from mainly France, Britain and Ireland, the drive to settle the prairies led to the inclusion of Northern and then Eastern Europeans. The gold rush and the decision to build a transcontinental railway led to Asian contract labourers entering Canada during the 1850s.[2] After World War II, a massive influx of immigration took place. Immigration restrictions were relaxed, and tens of thousands of displaced persons as well as Eastern and Southern European immigrants were admitted to fill jobs in a thriving post-war Canadian economy.[3] After further changes in Canada's immigration laws in 1967, immigrants entered Canada from Asia, the Middle East, the Caribbean, and Central and South America.[4]

A majority of these new immigrants have chosen to settle in Ontario. According to the 1991 Census, over half of all Canadian immigrants (55%)[5] live in Ontario and over half of all Canadian residents who self-identified as West Asian (54%), South Asian (55%), African (70%), and Caribbean (63%) live in Ontario.[6] Ontario's most populous city, Toronto, has the largest immigrant population of any Canadian city with 38% of its population self-identifying as new arrivals to Canada.[7]

Ontario's increasing ethno-cultural and racial diversity naturally results in an increasing religious diversity. The number of faith traditions in Ontario has multiplied beyond indigenous native spiritual traditions and the historically predominant Christian faith to include many others, such as the Bahai, Buddhist, Hindu, Jain, Jewish and Muslim religions.

## Diversity Affirmed in Federal Policy

This increasing diversity has affected the popular conceptualization of what it means to be Canadian. In the past few decades a pluralist vision of Canada has evolved and has become woven into Canadian public policy.

In 1971, a federal policy of multiculturalism was announced with the following:

> "We believe that cultural pluralism is the very essence of Canadian identity. Every ethnic group has the right to reserve and develop its own culture and values within the Canadian context. To say we have two official languages is not to say we have two official cultures and no particular culture is more official than another is. A policy of multiculturalism must be a policy for all Canadians." (Hansard, October 6, 1971).[8]

To implement this policy, the government promised "to assist all Canadian cultural groups... to continue to grow and contribute to Canada [and] to overcome the cultural barriers to full participation in Canadian society."[9] It was the view of the Prime Minister of the time, Pierre Elliot Trudeau, that the multiculturalism policy not only affirmed the rights of cultural groups but was "basically the conscious support of individual freedom of choice."[10]

## History of Religious Freedom Legislation

Predating this relatively recent acceptance of cultural plurality is the acknowledgment of religious diversity. The importance of religious and spiritual freedom of conscience and observance has long been recognized in North America and has become a building block in Canada's human rights framework. In the Canadian Charter of Rights and Freedoms, it is recognized that Canada is "founded upon principles that recognize the supremacy of God and the rule of law."[11] In the Charter, everyone is guaranteed the fundamental freedom of conscience and religion. Supporting the Charter is the Federal Human Rights Code and various provincial Human Rights Codes that protect the rights of persons residing in their respective provinces.

The Ontario Human Rights Code was written in 1962 but Ontario human rights legislation recognizing religious diversity had antecedents stretching back to the 1800s. For example, in 1851 the Upper Canada Legislature passed the Religious Freedom Act, which guaranteed free exercise of religion and worship, and in 1944 the Ontario Racial Discrimination Act prohibited the publication or broadcast of anything that intentionally discriminated on the basis of creed or race.

## Evolution of Ontario Human Rights Code

The Ontario Human Rights Code has evolved since it was first passed into law in 1962. The present day code prohibits discrimination and harassment on 15 grounds including creed. The Code continues to evolve to reflect not only current Canadian and Ontario case law but also changing patterns of discrimination and new perspectives on inequality, social justice and human rights. For example, the Code was amended in 1983 to bring its provisions in line with the Canadian Charter of Rights and Freedoms. Most recently (June 1997), the Ontario Human Rights Commission developed four new policies that support and interpret the Code. One of these, the "Policy on Creed and the Accommodation of Religious Observances," concerns religious freedoms and accommodation rights. Because this policy is so pertinent to universities making religious accommodation decisions, a detailed description of it follows and a copy of the actual policy is included in the Appendix.

## Ontario Human Rights Code Policy on Creed and Accommodation of Religious Observance

In general, this new policy offers definitions of creed and religion, outlines the legal expectation of accommodation, explains standards of accountability and gives examples of successful religious observance accommodations. It also provides a guideline for achieving successful accommodation measures.

### A. Definition of Creed and Religion

The Ontario Human Rights Code prohibits discrimination on the basis of creed. In this new policy, creed is interpreted to mean "religious creed or religion." Religion is defined as "a professed system and confession of faith including both beliefs and observances or worship."[12] This definition applies to non-deistic bodies of faith, such as the spiritual faiths and practices of Aboriginal culture, as well as bona fide newer religions. One does not have to believe in God or gods to be afforded protection from discrimination on the grounds of creed (religion). Every person, including atheists and agnostics, are afforded protection from discriminatory or harassing behaviours. The qualification to this protection is that religions that incite hatred or violence or engage in practices that contravene human rights standards or criminal law are **not** afforded protection under the Code.

### B. Accommodation Requirements

The new policy does more than affirm the right to be free from discrimination on the basis of religion. To achieve this objective, the policy states that "the law can require measures to facilitate the practice of religious observances."[13] These guidelines further affirm that there is a duty to accommodate a diversity of religious observances. The responsibility for successful

accommodation measures is shared by the person seeking the accommodation and the organization from which the person is seeking accommodation, and, if the organization is a unionized workplace, the union representing the person seeking accommodation.

### C. Standard of Undue Hardship

The standard of accommodation to which the organization will be held is the standard of undue hardship. The concept of undue hardship is not closely defined but is taken to be a relative concept and is determined by considerations such as the number of people making the request, the cost of the request and the size of the organization involved. Each institution covered by the Code is required to accommodate religious observances unless the accommodations requested will amount to "undue hardship."

### D. Constructive Discrimination

The duty to accommodate is also affected by the notion of adverse impact. This notion arises from the commission's position that discrimination includes not only intentional discriminatory acts but also neutral decisions and practices that have the **effect** of discriminating against members of a group of persons who are identified by a prohibited ground of discrimination. This effective discrimination is called "constructive discrimination." The new guidelines stipulate that constructive discrimination, in the form of neutral decisions or practices, may have an adverse impact and may be discriminatory. The organization in question must make efforts to comply with an individual's request for accommodation, short of undue hardship.

The new policy lists issues that have arisen under the notion of constructive discrimination and give examples of providing accommodation. These examples include decisions about break policies and prayer space accommodation, flexible scheduling, dress code and religious-leave requests. A brief summary of some of the policy recommendations resulting from the recent legal decisions follows.

## SECTION TWO

# Tensions That Create a Framework

Increasing social diversity and new public policy and human rights legislation are not the only formative impulses that shape the debate about the role of religion and the need to accommodate religious minority rights in public institutions. During the consultations regarding accommodation needs, many tensions emerged that also must frame a discussion of religious and cultural diversity on university campuses.

Some of these tensions arise from conceptual misunderstandings about religious identities. Others arise from the general societal ambivalence toward religion and the presumption that secularism is of equal benefit to everyone. Lastly, tensions emerging from the experience of discrimination and intergroup relations will be discussed.

## Tensions

### A. Definitions: A Lack of Clarity

To begin with, there is an understandable confusion about the terms religion, ethnicity and culture. These terms are not easy to define and resist clear-cut discrete categorization. It is always difficult to find language to describe complex social phenomena. Ethnicity can be defined in terms of religion. Culture and religion are defined in terms of group beliefs and customs. It is difficult to define one term without referring to the others. The fluidity of these terms is reflected in the way some groups view themselves. For some groups, religion and ethnicity correspond. For example, some Sikhs see themselves as a religious/political/ethnic group.[14] Jews may also view themselves in terms of "peoplehood" and ethnicity.[15] However, ethnicity and religion do not always correspond. Some religions cut across many different ethnicities, nationalities and races.[16]

In Canada, much of the public discussion on diversity is framed in terms of cultural pluralism. Ethnicity and related cultural practices such as dress, artifacts and cuisine are seen as important to a community's identity. However, religion is often seen as an individual choice, which is practised in the private domain. However, ethnicity, culture and religion are not always discrete, separate categories. A view of diversity that overlooks the importance of religion places some groups at a disadvantage.

This lack of recognition of the importance of religion to ethno-cultural identity is tied to another issue relevant to this discussion, specifically, the assumption that a secular space is a neutral space for all groups.

## B. Secularism as Neutral for All Groups

In Canadian culture, secularism is the view that matters of civil policy should be conducted without the introduction of a religious element. This separation of reason from faith and the subsequent separation of religion from public life have been more hospitable to some religions than others. For example, faith-based religions, such as some Protestant Christian denominations, can more easily accommodate the view that religion is an individual choice and properly belongs to the private domain. However, law-based religions, such as Islam and Orthodox Judaism, place a central emphasis on traditional religious practices that often have a profound impact on daily life. For these groups, secular public institutions that do not accommodate religious observance needs are not neutral spaces but present barriers to full participation. Members of these religious groups cannot separate religious practices from daily life and, if required to do so, are left with the choice of compromising their basic values to participate in public life or foregoing the advantages offered by full participation.

## C. Ambivalence Toward Religious Expression

Another tension surrounding accommodation needs is a deeply ingrained ambivalence about the role of religious expression in public life.

Attitudes toward religious observance needs are complicated by a general ambivalence in society toward religion. On the one hand, there exists a deep reservoir of respect for individually held religious convictions. However, this respect is counterbalanced by a modern unease about the place of religion in public life. Members from every faith group consulted in this project — ministers from Protestant Christian denominations, Roman Catholic priests, Hindu clerics, Muslim lay practitioners, and Evangelical Christians — expressed a sense of estrangement from the larger secular university community and a desire to have their religious observances and values treated with the same respect as individually held secular political and ethical views. Many students and clerics expressed the view that practices and opinions that are founded on religious values are often dismissed in the academy. Political differences are valued as an expression of academic freedom — a central mission of the university. However, it is felt that religious views are not given the same validation. On the other hand, many members of the university community feel that as a secular institution, reason and free inquiry are the prevailing values that should govern all who choose to participate in the academic community.

## D. Discrimination

This wish of some for a more profound recognition of spiritual values is complicated by an apprehensiveness concerning discrimination by members of faith communities who are also members of ethno-cultural and racial minority groups. For these groups, the societal ambivalence toward religion can be interwoven with discrimination. Discrimination toward any minority group is multifaceted in nature, changing with political, economic and social pressures. Discrimination toward religious minorities has more recently targeted several groups. In the past few decades, especially during and after the Gulf War, Muslim groups, particularly Arab Muslims, have felt themselves to be under great pressure and victimized by anti-Muslim sentiment.[17]

Other groups also have felt pressured by discrimination. Sikhs, Hindus and Muslims from southern Asia are still recovering from being specifically targeted by racism during the 1970s and early 1980s when anti-South Asian sentiment was acute. Aboriginal Peoples feel constantly marginalized by racism and they feel especially under attack at times when land-claim and political issues concerning First Nations communities are in the news. Although anti-Semitism is not the critical problem it was in the 1930s, '40s and '50s, new forms of anti-Semitism are linked with the rise of the "new right" and with political tensions in Israel.

The way in which religious affiliation is linked with societal discrimination patterns heightens the anxiety felt by minority faith communities as they seek religious observance accommodation in university communities. It also calls for heightened sensitivities and a sophisticated understanding of discrimination issues by university personnel responsible for accommodation measures.

### E. Diversity Within Diversity

Another issue that was raised was the need to recognize that no one religious group is a monolith and that there is great diversity within each religious group. Groups other than one's own tend to be seen as seamless, unified and discrete. Individual differences and the variety of views and values that are taken for granted in one's own group are often not recognized in others. For example, those who identify as Muslims have immigrated to Canada from a variety of countries including Algeria, Pakistan, Malaysia, China and the Sudan. Muslims speak a variety of mother-tongue languages and embody different racial heritages. Added to this richness is the fact that in the past several decades many Afro-Americans and Canadians and many "Caucasian" American and Canadians have converted to Islam. This diversity is further complicated by various cultural traditions, sectarian differences, individual political differences and immigration patterns that affect any group's practices and views. To speak of the Muslim community in Ontario is to speak of many communities within a larger faith community.

This diversity within diversity is apparent in many other faith communities. For example, Hinduism is a loosely knit tradition linked by many shared traits. There is no single set of practices, beliefs or behaviour patterns shared by all Hindus. Rather, different Hindus follow different teachings on practice and belief.[18] Jews also comprise a rich variety of viewpoints and practices. Some Jews define themselves as secular Jews. Religious Jews come from a variety of traditions including Reform, Conservative, Orthodox and Chasidic. Jews also immigrated from different parts of the world. There are Sephardim from North Africa, Ashkenazi from Eastern Europe and Jews from India and Ethiopia. And Jews, like Muslims, come from a diversity of nationalities and social backgrounds. Aboriginal spirituality is also a plurality. It is as diverse as the many individual nations, which make up the Canadian Aboriginal Peoples.[19] The diversity within each faith community defies stereotype and simplistic categorization. A recognition of this rich diversity within Canadian religious diversity is a necessary step in according each individual within each group appropriate respect and accommodation.

## F. Inter-Group Tensions

Also evident in the consultations for this paper are the tensions that minority faith communities feel between themselves. These tensions have sometimes erupted in public functions at universities, such as athletic events. There are also reported disagreements over use of prayer space. These tensions may have political and racist overtones and can sometimes be connected to international tensions that have been transplanted to Canada. Whatever the reasons, they are palpably present and divisive and, therefore, cannot be ignored.

## G. Discrepancy of Views Regarding Current Accommodation Measures

The final tension to be discussed is the dramatic difference that exists between the views of university administrators and the members of multi-faith communities. Most administrators who were consulted expressed a sincere desire to accommodate religious differences and felt that the procedures in place in many universities were functioning well. However, students and others affected by these procedures adamantly disagreed that present accommodation measures were sufficient to enable them to participate as full members in the university community. Many expressed an acute anxiety over these issues and a growing impatience over the difficulties in obtaining appropriate and dignified accommodation.

Notwithstanding this marked discrepancy of views, there remains a reservoir of respect and good faith between administrators and members of religious groups on Ontario campuses. This mutual respect is a good beginning that will be useful to undergird further accommodation measures.

## SECTION THREE

# Accommodation Needs

This section will present the most commonly cited accommodation needs that were raised by members of minority faith groups. It also presents examples of successful accommodations made by Ontario universities.

## Worship and Ceremonial Space

The most pressing issue for several faith groups is the need for prayer and ceremonial space. Some groups require prayer and meditation space only occasionally while other groups need space to worship daily.

For Muslims, daily prayer is a central pillar in Islamic life. Muslim prayers take place five times a day, at daybreak, midday, in the afternoon, in the evening and at night. Given the importance of daily prayer for Muslims and the fact that many universities are receiving increasing numbers of requests for prayer spaces from Muslim students, a description of Muslim prayer practice follows:

### A. Muslim Prayers

Muslim worship is both time and direction based. Religiously observant Muslims should pray at the right time, facing Mecca. Before Muslims begin to pray, they must perform ablutions. That is, they must cleanse parts of their bodies in a prescribed manner with water. The cleansing ritual (wudu) not only removes dirt and symbolically purifies the worshiper but also serves to focus the worshiper's concentration on the prayer time. The ablutions include washing hands and forearms, face, nasal passages, ears, head and feet. Some parts of the body are washed three times. When it is difficult to wash the feet, it is allowed to symbolically "wash" each socked foot with wet hands.

With the ablutions completed, the worshiper is ready for prayer. Prayer mats are laid out, the worshiper faces Mecca, and certain prescribed prayer sequences are followed.

There are a fixed number of obligatory prayer units (rakat) at each prayer time. Units are a sequence of words and actions used in prayer. The actions include four basic body postures: standing, bowing, prostration and sitting. Room must be allowed for free movement for each worshiper as they change from one body position to another. Prescribed recitations accompany these sequences.

During prayer times, women pray at the back of the prayer space out of close proximity and the direct sight line of male worshipers. Thus prayer spaces should be large enough to accommodate this preferred and customary arrangement. In smaller spaces, screens can be used to afford women their desired privacy.

In addition to daily prayers, male Muslims are obliged to attend midday Friday communal prayers. An imam (a Muslim who is known to have superior knowledge of the Qur'an or who is revered for his careful adherence to Muslim practices or is accorded this honour because of his advanced age) stands and leads the prayers. The imam also delivers a sermon and then finishes with two more units of prayers. Although it is obligatory for males to attend Friday prayers, women may or may not choose to attend.

When university administrators consider the need for a choice of appropriate prayer spaces, certain requirements need to be taken into account. As the above description illustrates, the space must be large enough to accommodate men and women comfortably. The space should be accessible for wheelchairs and strollers. There must be no religious iconography (such as crosses or crucifixes) or representations of living figures anywhere in the prayer space. Prayer spaces need to be clean and close to both men and women's washroom facilities. A carpeted space is helpful but students can and do often supply their own prayer mats. Also, on larger campuses, more than one designated prayer space may be required as a 10- or 15-minute walk to a designated space between classes may in itself present a barrier. Many students expressed the wish to have a prayer space in the library, at least during exam times when students spend many hours each day studying.

**B. Other Groups' Prayer Space Needs**

Not only Muslims require prayer spaces. Strictly observant Orthodox Jews pray three times a day, morning, afternoon and evening. For these students there is a need for afternoon prayer space between 1:00 p.m. and 5:00 p.m. for a maximum of 20 to 30 minutes. Also, Hindu students expressed a need for an accessible quiet meditation space. Although it may seem convenient to offer one communally used prayer space for all groups, this may not be a practicable solution. In fact, such an accommodation may cause inter-group tensions or be considered inappropriate. For example, the time for afternoon prayers for Muslims and Orthodox Jews may overlap and cause tension. Also Hindus may find scheduled meditation times antithetical to their notion of proper meditation practice.

Some faith groups may not need a specifically designated daily or weekly prayer space but may need space at different times during the year for specific celebrations. For example, Aboriginal groups may require space indoors or outdoors and may need sufficient space to erect a teepee or to engage in drumming. Aboriginal ceremonies that take place indoors often require access to kitchens to prepare and serve food. Wiccan groups may need space outdoors that afford them a sense of privacy.

Other needs related to appropriate ceremonial spaces include accommodation around fire-code regulations. For example, during the Hindu ceremony of Diwali,* open flame lights and small ceremonial fires will be lit. Jewish students may want to light candles as part of religious observances. For Native groups, the burning of tobacco or certain plants has spiritual significance, and many groups and elders begin meetings and other occasions with the burning of these grasses in smudging or sweet grass ceremonies.* These activities can contravene tobacco, fire, and health and safety regulations and require a careful balancing of safety considerations and accommodation needs.

### C. Successful Accommodations

- Muslim students have a prayer room, and specialized washroom facilities have been constructed that more easily accommodate foot washing than the traditional western sink. The installation of these plumbing fixtures was paid for by the university students' association. Specialized plumbing fixtures are not a complicated, overly costly affair. The basic requirement is a tap that comes out of the wall at knee level with a built up ridge and drain for easy drainage. This fixture minimizes unwelcome stares from persons who are not familiar with the practice of ablutions or who feel that the placing of feet in a public sink is culturally inappropriate.

- A wheel chair accessible room for prayers and meditation has been designed. It is available to students at all times.

- A large room in a campus student-activity centre is used for a Friday midday communal prayer service. Long, colourful prayer rugs provided by Muslim students are placed on the bare floor. Specially made white canvass hoods cover the heads of gargoyles that rim the ceiling of the room. An imam leads the prayers and gives the sermon. At times, hundreds of students may attend as do staff from nearby buildings.

- A room is being designed to allow for sweet grass ceremonies and pipe smoking. The room will have a metal dish with sand on which to burn sage, sweet grass and tobacco. The room will have outside ventilation.

- The First Nations House has been declared to be a ceremonial space. This designation allows a legal exemption from fire, health and safety regulations concerning the inside ceremonial burning of tobacco for Aboriginal Peoples. A university-owned property outside the city also has a sweat lodge* that is used on occasion.

* See the Glossary for a brief explanation of terms noted with asterisks.

## D. Suggested Checklist for Appropriate Prayer Space

- Are there icons from other religions that are permanently fixed? (Many worship centres use transportable icons and symbols.)
- Will different faith groups agree to use the same space?
- Is the space large enough to accommodate either a separate space for women, or to allow women enough space to feel comfortable?
- Could screens be useful?
- Is the space easily accessible for persons with disabilities and strollers?
- Is it close to both men's and women's washrooms?
- Does it offer a degree of privacy?
- Would it be safe for women alone or a lone worshiper?
- Can security staff be contacted quickly?
- Is it symbolically appropriate, that is, not in an isolated basement room or tucked away under a stairwell?
- Is it centrally located — easy to get to from libraries and classes?
- If required, is the use of tobacco or sweet grass, candles or a small ceremonial flame permitted?
- Is there a need for multiple spaces either to accommodate different religious groups or to provide more than one convenient space on a large campus?

## Athletic Facilities

Another issue that came up repeatedly during the consultations with minority faith groups was the cultural barriers that prevent the full use of university athletic activities. Discussion of the barriers to full participation in athletics centred on issues of modesty, privacy, athletic dress codes and the wish for single sex activities.

Regarding modesty issues, the western custom of public shower stalls and open change areas presents serious barriers to several groups. To practising Muslims, public displays of nudity even in single sex settings is prohibited. Some Hindus also feel that the casual nudity that takes place in a shared shower or changing space is not appropriate. Some Sikhs find showering and changing clothes in front of others psychologically daunting as unshorn body hair on women and unshorn face and head hair on men may bring unwelcome stares from others.

Although issues of modesty and privacy are relevant to men and women, women face additional obstacles. Swimming presents the most problems. Some Muslim women observe the custom of "covering." That is, they ensure that their clothing covers their entire bodies except for their face, feet and hands. The custom of "covering" prohibits the use of western bathing costumes. Women from other minority faiths may also find western-style bathing suits offensive to their sense of modesty. Strictly observant Orthodox Jewish women and some Hindu women will also not swim if western-style bathing suits are the only clothes allowed in the pool.

Although access to swimming facilities was the most often mentioned, other athletic activities that require the use of clothing that reveals legs and arms also preclude women with modesty concerns from participation. It is not only dress code and "covering" issues that are problematic for some religious minority women. Engaging in robust physical activity with unrelated males present or being watched from viewing rooms by males also makes some athletic activities prohibitive.

### A. Suggestions

Although it is not the purpose of the paper to provide specific accommodation advice, there are some simple changes that could be made in change/shower facilities that would benefit a wide range of persons and respond to needs. For example, shower curtains and curtains on stalls on a far wall in a change room would afford a degree of privacy that does not require extensive renovations or cost. This new degree of privacy would also be helpful for individuals with a strong sense of personal privacy. Many persons, for a variety of reasons, prefer to shower or change in private.

Relaxing dress codes in university athletic facilities is possible but is not without some problems. A relaxed dress code for pool and gymnasium activities may conflict with health and safety regulations. In Ontario, both the Human Rights Codes and Health and Safety Codes claim preeminence if conflicts arise. One concept that the Human Rights Commission considers applicable is the concept of dignity with risk. That is, if the risk is small and presents no danger to others than it is permissible to allow persons to assume that risk. Each situation is different and each university will come to its own successful and reasonable accommodation.

Finally, members from the Sikh community have expressed a need for ledges where they can place their turbans while changing or showering. The long unwound cloth that wraps into a turban must not touch the floor and must be treated as the dignified, symbolic object that it is.

### B. Successful Accommodations

- Designated hours for single sex swimming.
- Private change spaces for women.
- "No-peek" screens placed in front of the viewing windows adjacent to the pool so that women swimmers can swim free from concern about onlookers.
- Allowing women to wear "bathing suits" that cover the body according to Muslim and other religious/cultural customs. Any kind of light, loose clothing can be worn in the pool at these times.

## Residence Life

Residence life can be an integral part of the university experience and adjustment to life in residence presents challenges to all incoming students. However, to members of some minority faith communities, residence life also presents social and moral dilemmas. During consultations with minority faith students and university counsellors, the most often cited obstacles to residence life were the open use of alcohol on campuses, lack of dietary accommodations and the casual mingling of males and females in co-ed residences.

Each of these issues alone may not preclude residence living as a realistic option. Yet, taken collectively, they may present an obstacle and are illustrative of the psychological barriers faced by many minority faith students as they try to be full participants in university life.

### A. Alcohol Use

Although concern about the increased consumption of alcohol on university campuses and within university residences is shared by many counsellors and parents, the open use of alcohol is especially problematic for specific religious/cultural groups. For example, alcohol use is officially prohibited in Islam, Sikhism, the Hare Krishna sect of Hinduism and some Christian denominations. As well, many Muslims feel it is inappropriate to be present at activities where alcohol is openly served. Alcohol use is also problematic for Aboriginal groups. As some native peoples seek to return to more traditional customs and spiritual practices as a source of cultural and personal empowerment, complete avoidance of alcohol is becoming a more common spiritual and lifestyle choice.

## B. Dietary Requirements

Dietary requirements can present another barrier to residence life. In most residences, students must purchase a meal plan. However, students from Jewish, Muslim, Hindu, Jain and other traditions observe religious dietary customs that prevent them from eating much of the food that is served in residence cafeterias.

Many problems revolve around the eating of meat. Many Jewish students will only eat kosher* meat; Muslim students will eat only halal* meat. Neither group will eat pork. Also, many Jews will not eat food that mixes dairy products and meat. Utensils that have touched meat products must not be used for dairy and vice versa. Jains and many Hindus will only eat vegetarian food that is prepared and served under strict vegetarian conditions (for example, cooking and serving utensils must not have touched meat or dairy products and prepared foods cannot contain meat byproducts as ingredients). To overcome these difficulties, some students purchase a meal plan and then try to purchase additional foods they can prepare themselves. However, lack of proper cooking facilities prevents these students from preparing more than microwaved snacks or fast foods in their rooms or in the "mini kitchens" that some residences provide.

Fasting and dietary requirements surrounding certain religious observance days also complicate meal-taking in residences. For example, during Passover*, Jewish students should not eat yeast products, including leavened bread. However, yeast products are commonly used in many recipes and the ingredients in dishes are often not posted in cafeterias or even made known to the staff serving the food. In addition, specific Passover foods like matzoh* (unleavened flat bread) are not often available, especially in small towns. During Ramadan*, Muslims fast from sunup to sundown. When living at home, Muslims often eat a large meal before sunrise to fortify themselves for a whole day of fasting from both food and drink. A large meal is also served in the evening after sunset. These customs, which compensate for many hours without food or drink, are difficult to observe with regulated cafeteria meal times and regulated food choices for each meal.

## C. Co-ed Residences

Another issue that was raised in consultation with minority religious/cultural groups was the preference for single sex residences. Women from communities whose parents are not accustomed to young women living away from home reported that the availability of single sex residences could make going away to university a more realistic option for them. If residence life is not a viable option, some women students will limit their university and program choices to those that are within commuting distance from their homes.

## D. Candle Burning and Sweet Grass Ceremonies

As noted earlier, fire regulations that prevent religious and ceremonial observances have also presented problems in residences. Aboriginal students have had difficulties with burning tobacco* and performing sweet grass ceremonies in their rooms. Some Jewish students customarily burn (Shabbat)* candles on Friday nights and many wish to light candles — specifically, the menorah* — for Chanukah.

### E. Successful Accommodations

- During Ramadan, meals are made available after sunset even though the cafeteria is officially closed during those times. During Passover, special effort is made to make Passover foods available. Vegetarian selections are available in residence cafeterias.

- Accommodation for Shabbat candle lighting and sweet grass ceremonies

The "International House" residences were very successful in raising awareness of global issues and fostering respect for different cultures and countries. Inter-Faith Residences founded on a respect for spirituality and religious values could have comparable potential to initiate and support on-campus, inter-faith dialogue and provide a comfortable living space that could be a model for successful religious accommodation and cultural understanding.

## Classroom Issues

Some religious observances directly impact on core academic activities including attendance at class, exam schedules and extended leave from classes and assignments. Other observances may impact on classroom performance during certain times.

### A. Class Attendance

Students may have to arrive late or leave early on certain days. Jewish students may need to leave early on Fridays to prepare for Sabbath observances. Muslims may also wish to be excused from part of a class for daily prayers or for Friday afternoon prayers. During religious holidays or other customary observances, students may need to be absent for a day or perhaps several days. This may be problematic for students who are expected to hand in assignments, give seminars or take exams on those specific days.

Although absence from class for one day may not be problematic (unless it conflicts with a scheduled test or exam), absence from several classes is more difficult for students to arrange and sometimes even explain. For example, Aboriginals from Iroquois bands may need to leave the university for several days to travel long distances home for festivals as many Iroquois ceremonies are community based and take place in ceremonial longhouses*. Funerals and mourning observances also vary in length of time for different cultural and religious groups. Also, customs about who is expected to attend may vary from the customs and expectations of the dominant ethnic and religious group.

### B. Exam Schedules

As noted above, although missing classes for religious holidays does not pose a significant risk to academic achievement, exams that are scheduled on major religious holidays can place students in a serious dilemma. Many universities have become sensitized to the needs of Jewish students and do not schedule important tests or exams on Yom Kippur for example. However, most universities have as yet to make systemic accommodation for other religions.

## C. Informal Procedures

Many Ontario universities have responded to religious leave needs and exam-schedule conflicts by implementing an informal procedure by which students are required to ask their professors directly for accommodation. During consultations for this paper, most administrators felt that these informal procedures worked quite well. However, some students felt that the need to negotiate accommodation from professors on an individual basis was psychologically intimidating and placed them at risk for discriminatory behaviour. Some students reported that their requests for accommodation were sometimes met with dismissive remarks and, sometimes, with derision. One student reported that, when she requested a leave of absence for a religious holiday, she was asked for "proof" of her Jewishness. Another student was asked "How do I know you are Jewish?" A Muslim student reported that he was turned down with a flat "no" when he made a request for a religious leave of absence.

Students also said that they feared labelling themselves as members of a minority group. Students in large classes who had no previous opportunity to talk with their professor explained that it was intimidating to introduce themselves to their professor and then at this first meeting go on to identify themselves as member of a particular religious group and ask for accommodation. Students also felt embarrassed when they were asked to explain their religious practices to a person in authority who was often a person from the dominant ethnic and religious group.

Many students, fearing what they may face, choose instead not to ask for accommodation and forgo religious observance in spite of the guilt and anxiety this provokes. Women students seem particularly loathe to call attention to their accommodation needs.

## D. Need for Information

Another issue is the need for staff and faculty to receive information about religious minority issues. Students from all minority faith groups requested that faculty and staff receive information not just about religious holidays and special observance days, but also about common religious practices that may impact on academic life. One example of a religious observance that students felt professors needed more information about was fasting practices.

In general, minority faith students unanimously preferred that each university have a clear-cut official policy on religious accommodation to which all faculty, staff and students could refer.

## E. Successful Accommodations

- Religious accommodation policies published in the academic calendar and on the university website.
- Notices sent every fall to deans and chairs of centres and departments listing the most common religious observance days.
- Exam schedules organized around important religious holidays.

- *Multi-faith calendars* made widely available. These calendars perform several functions. When prominently displayed, they give students and staff from minority faiths the sense that their communities are publicly recognized. They also inform all members of the university community of the various religious observances during the successive months. The calendars can also be of use when preparing class and exam timetables and for individual faculty members when assigning tests. (To order these calendars, see the Appendix.)

## Food Service Issues

Eating is so interwoven with human celebration that all religious and cultural groups have dietary customs and traditions central to their expression.

This section will be brief — not because there is little to say about dietary customs and religious observance, but because food customs are so integral to religious observance that many have already been described. However, although fasting, meat-eating and alcohol use have been mentioned, there are other issues to which attention should be brought.

### A. Social Events

Some student associations and groups are formed around ethnic or religious identities. These groups may at times organize social functions on campus that will include the cooking and sharing of meals. In many instances, the actual preparation of food by the worshipers themselves is an important part of the religious observance; in other cases, students may wish to have particular food brought in to the university to ensure that their dietary requirements are strictly observed. At times these requirements may necessitate negotiation around commercial contracts with university food services.

Student activities sponsored by the university can also be problematic for some groups. Some students cited food issues as a reason for not participating in social gatherings. Some students complain that social gatherings centre around "pizza, pork and alcohol." Offering vegetarian choices and understanding the difficulties sometimes associated with the presence of alcohol are options that would remove obstacles for many groups.

### B. Successful Accommodations

- Ensuring that there are always vegetarian options at all university social functions and at food outlets and cafeterias.

- Adding a representative of the contracted food service provider to a committee including students, staff and faculty that deals with equity and diversity issues. Since inclusion on this committee, the food service provider has added vegetarian choices to menus and made other accommodations at social gatherings. For example, alcohol is now served more discretely so it does not appear to be central to the socializing. This committee is also involved in the design of a planned new student centre. This new centre will have a kitchen in order that student groups will be able to cook and serve food according to their wish and custom.

## SECTION FOUR

# Climate Issues

This section comprises a brief discussion of climate issues that affect a student's sense of comfort and belonging. Issues include a discussion of harassment, dress code issues, curriculum concerns and the accessibility of student health and counselling services to a diversity of students.

## Harassment

Harassment is defined in the Ontario Human Rights Code as "engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome." Although harassment policies and educational efforts often focus on sexual harassment directed toward women, the Ontario Human Rights Code prohibits harassment on all 15 grounds covered by the Code, including religion.

During meetings with students from minority faith backgrounds, many spoke of harassment experiences. Aboriginal students spoke of verbal insults and name calling. Jewish students spoke of sarcastic and anti-Semitic comments, sometimes camouflaged as political statements concerning Israel. Muslim students felt that they often were targets of anti-Muslim sentiment.

All groups consulted in the preparation of this paper, including harassment and race relations advisors, noted that harassment often has more than one component and can be exacerbated by discrimination on other grounds. For example, there was general agreement that women from racial minorities are more often targeted for sexual harassment than women from racial majorities. And students from minority faiths who are also persons of colour or are from a physically recognizable ethnic group feel that they are more likely to be victims of harassment than members of their religion who come from the majority racial/ethnic background. Another facet of harassment is that objects of discriminatory behaviour change according to social and historical circumstances. Different groups are more commonly targeted at different times. Recently anti-Muslim sentiment has intensified, and female Muslims, Muslims of colour and Arab Muslims feel particularly at risk.

Many female Muslim students complained that some of the offensive behaviour that is directed toward them occurs after they have decided to adopt the Muslim custom of "covering." Women students spoke of having their chairs repeatedly kicked in lecture halls and being verbally accosted by other students, who objected to their chosen method of dress. They also spoke of a chill that settled on them if they adopted Muslim dress in the middle of the school year and reported that they felt they had become socially ostracized by their former friends and classmates due to their change of dress.

Another harassment issue that was raised was harassment by members of some religious faiths toward gays and lesbians. Universities must not allow voicing of homophobic remarks under the guise of religious freedom. Some traditional religious communities are clear in their condemnation of homosexuality. This anti-gay sentiment creates a tension around competing tolerance issues and places gay and lesbian students at risk for discrimination and harassment. The tension between the rights of religious groups to maintain their values and beliefs and the overriding imperative to create an inclusive and hospitable climate for all members of the university community is a pressing one that calls for frank discussion.

## Mode of Dress/Modesty Requirements

Many religions observe customs regarding modes of dress and the display of symbolic objects. For example, symbols of faith for Sikhs are uncut hair (Kesh), carrying a special comb (Kangha) and a sword (Kirpan), and wearing a steel bracelet (Kara) and shorts as underwear (Kach).[20] Men and sometimes women may also wear a turban. Orthodox Jewish men may wear a small head covering (Kippa) or a hat and may wear a four-cornered garment under their clothing with the fringes showing.[21] Rastafarians grow dreadlocks as an expression of commitment to their faith and often choose to wear a woolen tam in the colours of African liberation, specifically, red, yellow, green and black.[22]

To many religions, modesty is also a prime concern, particularly the modesty of women. Orthodox Jewish women wear clothing with long sleeves, long skirts and some women cover their hair with a scarf or a wig. Muslim men and women are also expected to dress modestly, although the dress for men more easily conforms to western-style dressing.

*Muslim forms of dress for women* can contrast quite dramatically from western forms. Because this issue has prompted much debate in public educational institutions — not only in Ontario, but also in Quebec and many western European countries — and because it invokes strong and variable reactions both in the Muslim community and in the wider community, a brief discussion of Muslim female dress forms follows.

There is no consensus among Muslims about correct attire, and dress sense is often based on a family's interpretation of what is appropriate for Muslims.[23] A variety of dress forms are worn by female Muslim students in Ontario ranging from the burqua or cloak-like garment with a veil, the hubaya or long gown, the shalwar kameez (loosely fitting trousers under a long-sleeved tunic), to the more common hijab or head scarf.[24] There is a variety of attitudes among Muslims themselves toward the requirement for women to cover their heads or wear the burqua with the veil. Some of these attitudes and perspectives are cultural rather than religious.

The women students consulted during the preparation of this paper reported that there are many reasons to decide to adopt Muslim dress. First and foremost, women may decide to wear a burqua or hubaya or cover their head as a religious covenant. The adoption of the Muslim dress can also be an outward signification of commitment to Islamic values. In this way, dress forms can be a symbol of membership to and solidarity with the Muslim community (umma).

Women who decide to adopt Muslim dress explain that this mode of dressing allows them greater freedom to play a role in public life without compromising their social and religious values. The dress acts as a signifier to those within their family and community that they intend to act according to a Muslim sense of propriety while studying or working in a public place. The dress also is a signifier to the broader community, especially to males, that these women observe a Muslim code of conduct regarding mixed company. That is, they do not date and do not engage in casual mixed sex socializing. One Muslim female student noted that wearing the hubaya and hijab made her feel surrounded with an "aura of sanctity" and thus afforded her great peace of mind and freedom to participate in public life in a way that did not compromise her religious values.

Other Muslim women explained that although adopting the hijab and hubaya was a personal decision, they did feel conflicting pressures from within their community, especially from Muslim men to wear Muslim dress, and from the larger community to wear western dress. One woman who was in the process of deciding which style of dress was right for her reported that some Muslim male students pressured her when she came to class in western clothes and questioned her loyalty to Islamic values. However, when she came to class wearing the hijab, other students from majority religious groups acted very coolly toward her and made her feel that she was no longer a fully participating member of the class.

Women who "covered" also complained that they were under great pressure from some non-Muslim women not to cover. They reported that sometimes women staff members would be rude to them and that women students would verbally insult them, ask them invasive personal questions about their dress choices and comment on their assumed lack of freedom.

## Curriculum and Pedagogical Issues

Although classroom accommodation issues such as religious leave requests have been discussed, there are other curriculum and pedagogical issues that affect the university learning. The purpose of this section is to identify certain strategies that may help faculty members and administrators respond sensitively to the academic needs of minority faith students. The purpose is discuss the tensions between notions of inclusivity and academic freedom or the broader issues concerning the canon of western liberal education.

One issue that affects learning climate is the careful respect that a professor accords each student. Students who were consulted during the preparation of this report emphasized that the impact of a professor's words and attitude is one of the most important factors determining a student's overall comfort level.

The practice of asking students to work in teams, the assigning of academic tasks that require out-of-class mixed socializing or lab research that necessitates close physical proximity can all create unintended problems for women students from certain communities. For example, some

female Muslim students as well as female students from South Asian countries (who may be Christian, Muslim, Parsi, Sikh or Hindu) observe explicit codes of social interaction with non-related males.

Other activities that are taken for granted that may present barriers include coming to the library at night to do individual research and a prolonged, close working relationship with a thesis advisor of the opposite sex when doing the work necessary for a graduate degree. To do well academically, some female students must engage in activities that make them uncomfortable or that they fear may be misunderstood by members of their respective families or communities. Knowledge of and sensitivity to students' cultural and religious values and practices are necessary to avoid erecting unintentional barriers to academic achievement.

Sometimes the desire to revise classroom assignments or even course content is brought to the attention of professors by their students. Professors who have responded positively to this challenge report that doing so can result in a more lively, interesting curriculum and, in some cases, better teaching. This refining and contextualizing of classroom work requires thought, insight and a willingness to respond to challenges in a positive and non-defensive manner. These curriculum and pedagogical challenges exist not merely because of the diversity within Ontario university classrooms, but because these are and remain the professional challenges of good teaching.

## Counselling and Health Service

Virtually all university counsellors and health service providers consulted during this project were firmly committed to ensuring that university services were equitably accessible to all students. Nevertheless, many students from minority faith communities expressed a deep hesitation to use these services.

Counselling methodology and the conduct involved in visiting a counsellor manifests several culture-bound norms. For example, individuals must be willing to visit a publicly situated office that is known for treating psychological problems. They must consult a stranger and almost immediately be willing to share very personal information with him or her. In addition, counsellors act according to professional codes of conduct. These codes include the notion of confidentiality and the requirement of speaking only to the person needing assistance. Counsellors do not usually give advice through an emissary such as a family member or friend. In addition, they do not engage in prolonged preliminary social talk or divulge much personal information about their own lives.

Although these norms of counselling behaviours and expected client behaviours are not regarded as problematic for many westerners, they can present barriers to some cultural and religious groups. For example, students from some cultural groups may only be willing to divulge personal problems after they have spent a session or two building a personal relationship by exchanging seemingly superfluous information about their lives and families. Also, students from cultures that stress the importance of turning to family and friends in time of need may send